

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

TOMMY TARRELL MCCASKILL,)	
)	
Petitioner,)	
)	
v.)	1:22CV690
)	1:01CR350-1
UNITED STATES OF AMERICA,)	1:19CR482-1
)	
Respondent.)	

ORDER

The Recommendation of the United States Magistrate Judge was filed with the Court in accordance with 28 U.S.C. § 636(b) and, on November 26, 2024, was served on the parties in this action. (ECF Nos. 72, 73.) On December 16, 2024, Petitioner filed Objections to the Magistrate Judge’s Recommendation, entitled “Objections to Magistrate Judge’s Order and Recommendation.” (ECF No. 74.)

The Court has reviewed Petitioner’s Objections and has made a de novo determination which is in accord with the Magistrate Judge’s Recommendation. The Court therefore adopts the Magistrate Judge’s Recommendation.

IT IS THEREFORE ORDERED that Petitioner’s Motion for Reconsideration, (1:01cr350- 1, ECF No. 294), seeking reconsideration of the denial of his First Step Motion is **DENIED**, that his § 2255 Motion, (1:01cr350, ECF No. 292; 1:19cr482-1, ECF No. 50), to vacate, set aside or correct sentence is **DENIED WITH PREJUDICE** except as to the portion of his fourth claim for relief dealing with the computation of his sentencing credits which should be **DENIED WITHOUT PREJUDICE** to him pursuing his administrative

remedies within the Bureau of Prisons and a petition under § 2241 in the district where he is incarcerated after he exhausts his administrative remedies, and that, there being no substantial issue for appeal concerning the denial of a constitutional right affecting the conviction nor a debatable procedural ruling, a certificate of appealability not issue.

A judgment dismissing this action will be entered contemporaneously with this Order.

This, the 31st day of January 2025.

/s/ Loretta C. Biggs
United States District Judge